



**Group Against Smog and Pollution Inc.**  
Wightman School Community Bldg.  
5604 Solway Street, Room 204, Pittsburgh, PA 15217  
(Tel) 412-325-7382 (Fax) 412-325-7390  
www.gasp-pgh.org email: [gasp@gasp-pgh.org](mailto:gasp@gasp-pgh.org)

March 14, 2006

INDEPENDENT REGULATOR  
REVIEW COMMISSION  
2006 MAR 21 AM 9:20

RECEIVED

**Comments: Proposed Rulemaking, Department of Environmental Protection,  
Environmental Quality Board, (25 PA. Code, Chapter 126), Pennsylvania Clean  
Vehicles Program**

Thank you for the proposed updated rulemaking titled "The Pennsylvania Clean Vehicles Program", to improve air quality in Pennsylvania and for providing these hearings around the state. I represent Group Against Smog and Pollution, a southwestern Pennsylvania organization working for a healthier environment in this region for 35 years. The seven county Pittsburgh metropolitan area was designated in 2004 as nonattainment for the 8-hour ozone standard. There were 8 exceedances of the 8 hour ozone standard in 2005 in Allegheny County. Fine particulates remain a serious problem in our region and concerns about toxic exposures have resulted in an ongoing monitoring study in the Pittsburgh area.

Health Implications

GASP supports the proposed amended Pennsylvania Clean Vehicle Program and believe it will make a valuable contribution towards much needed healthier air. Thirty seven Pennsylvania counties have been named by EPA as "non attainment" areas for exceeding the 8-hour health-based ozone standard.<sup>1</sup> According to the Pennsylvania Department of Environmental Protection (DEP) about 1/3 of Pennsylvania's ozone forming pollution, comes from motor vehicles.<sup>2</sup>

Ozone pollution contributed to 370,000 asthma attacks in Pennsylvania in ozone season 1997.<sup>3</sup> A study of 95 American cities between 1987 and 2000 estimated 3767 premature deaths annually.<sup>4</sup> Researchers recently found that even for days that currently meet the EPA limit for an acceptable level of ozone--80 parts per billion for an eight-hour period--there was still an increased risk of death from the pollutant.<sup>5</sup>

With these problems at hand, more pollution reductions of ozone precursors, (nitrogen oxides and volatile organic compounds), are clearly indicated. The PA DEP asserts that after fleet turnover in 2025 the CA LEV II standards will result in additional emission reductions of 6 percent to 12 percent in VOCs and a 9 percent reduction in NOx. Reductions also include a 5 percent to 11 percent reduction in 6 toxic air pollutants. According to the U.S. EPA National Assesment of Air Toxics, mobile sources contribute 66% of all air toxics.<sup>6</sup>

States have the opportunity to be in a federal program for vehicle emissions control known as Tier II or to opt into CA LEV II. Pennsylvania has elected to follow CA LEV II. There are several reasons why the CA LEV II Program is preferable to the federal Tier II Program as follows:

\* Analysis by DEP consultants at Michael Baker Jr. Inc concludes that the emission reductions under LEV II are larger than those under Tier II.

- \* LEV II program evaporative and tailpipe HC standards are more stringent than the Tier 2 standards
- \* LEV II provides a Zero Emission Vehicles (ZEV) component and a greenhouse gas reduction element, pushing cleaner technology and providing needed states leadership in addressing the global warming problem.
- \* California has historically revised its standards more frequently than the federal government. The result has often been more stringent standards in California for a period of some years before the federal standards "catch up."
- \* The program is part of the states federally enforceable State Implementation Plan (SIP) and therefore should it be abandoned there would have to be a plan for making up the pollution reductions achieved under the Pennsylvania Clean Vehicles Program. There are also sanctions that could be imposed. It is unclear how Pennsylvania will allow for an unenforceable period for the Clean Vehicles Program as stated in part D. Purpose and Background in the Preamble ("Notice of Proposed Rulemaking, Department of Environmental Protection, Environmental Quality Board (25 Pa. Code, Chapter 126) Pa. Clean Vehicles Program.) Does this mean that the existing Pennsylvania Clean Vehicles Program which is a part of the SIP will be enforced until the amendatory rulemaking of the program is complete? It would seem that there should be enforcement.

Even as Pennsylvania is moving towards the amended Clean Vehicles Program, it is disappointing that the state is not adopting the CA LEV II Zero Emission Vehicle (ZEV) component. Many nearby states have adopted the California ZEV program including New York, Massachusetts, Vermont and New Jersey. Taken together, these states represent about one-fourth of the market for new motor vehicles sold in the country.<sup>7</sup>

There appears to be additional emission reductions available from incorporation of ZEV. For example, Michael Baker Inc. consulted with DEP in 2004 to analyze the CA LEV II program and the Tier II Program. The report comments, "A comparison of the bin structure illustrates how the LEVII program could produce NOx benefits over the Tier2 program. Based on information provided in the NESCAUM study, auto manufacturers may concentrate Tier2 vehicle sales around Bin 5 to avoid mid-year corrections in vehicle sales to ensure that the fleet average emissions standards are met. Under the LEVII program, it is expected that nearly 50% of vehicle sales will be PZEV vehicles used to meet the ZEV mandate. PZEV vehicles will be compliant with the SULEV standards with additional evaporative emission improvements. The NOx emission bin for the SULEV vehicle is lower than the Bin 5 value under the Tier2 standard."<sup>8</sup>

Innovative transition programs have been accomplished in these LEV II states including resolving credit problems for the ZEV Program. Popular electric hybrid vehicles can partially satisfy the ZEV Program requirements. These vehicles are not a hard sell and have been among the few vehicle types that often have a waiting list. GASP has sponsored test drive events for hybrid vehicles for several years and these events have drawn avid owners to talk about their cars as well as good crowds to test drive the vehicles. Advocating and implementing cleaner automotive technology may be one of the most important benefits of the CA LEV II Program. Pennsylvanians will likely have less vehicle choice and Pennsylvania will have lost an important leadership opportunity taken on by several neighboring states by not adopting the ZEV component of CA LEV II.

Some arguments against the Pennsylvania Clean Vehicles Program involve cost. The argument is questionable. The PA DEP conducted an internet and auto manufacturer web study of dealer on-lot inventory window stickers with manufacturer suggested retail

price (MSRP) for Ohio, New York and Pennsylvania for most popular 2005 models as reported by Forbes in addition to some random choices. The draft report showed that in almost all cases the MSRP was the same.<sup>9</sup> Additionally, there should be reduced vehicle operating costs under LEV II.

In summary, we urge the Environmental Quality Board to move forward with the Proposed Rulemaking for the Pennsylvania Clean Vehicles Program but strongly suggest that the Zero Emission Vehicles (ZEV) component be a part of the Program.

Suzanne Seppi  
GASP Project Manager

1. U.S. Environmental Protection Agency (EPA), "8-Hour Ground-level Ozone Designations," <http://www.epa.gov/ozonedesignations>, Accessed 3/8/06
2. The Pennsylvania Bulletin, *Proposed Rulemaking Environmental Quality Board [25 PA. Code CHS 121 and 126] Pennsylvania Clean Vehicles Program [36 Pa.B. 715]*
3. PennEnvironment, Nathan Wilcox, *PA Approves Weakening of Clean Air Standards*, 2/15/2006
4. American Lung Association, Two New Studies Link Smog to Premature Death, John Kirkwood, 11/16/2004, 5/7/2004,
5. Yale University, Michelle Bell, "Study finds no safe level for ozone", 2/16/2006
6. State of Connecticut, Hearing Report <http://dep.state.ct.us/air2/regs/callev.pdf>, page 2
7. State Environmental Resource Center (SERC), "California's Motor Vehicle Emissions Program: Should You Adopt It?" <http://www.serconline.org/pdf/EmissionsBooklet8-5.pdf>
8. Memorandum to Brian Trowbridge, PADEP from Dan Szekeres, Michael Baker Jr., Inc. Nanditha Koppula, Michael Baker Jr., Inc, November 2, 2004
9. Pennsylvania Department of Environmental Protection, Ohio/New York/Pennsylvania Vehicle Price Comparison Draft, February 3, 2006

